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PTO/SB/01A (10-00)

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 09/912,674, filed on July 20, 2001,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Donald S. Karanewsky

Signature: Donald S. Karanewsky

Citizen of: US

Inventor two: Vincent J. Kalish

Signature: Vincent J. Kalish

Citizen of: US

Inventor three: Edward D. Robinson

Signature: Edward Robinson

Citizen of: US

Inventor four: Brett R. Ullman

Signature: B.R. Ullman

Citizen of: US

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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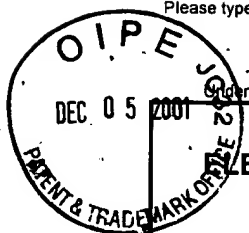
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PTO/SB/81 (10-00)

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**SELECTION AND POWER OF
ATTORNEY OR
AUTHORIZATION OF AGENT**

Application Number	09/912,674
Filing Date	July 20, 2001
First Named Inventor	Donald S. Karanewsky
Group Art Unit	1646
Examiner Name	
Attorney Docket Number	480140.444C1

I hereby appoint:

☒ Practitioners at Customer Number

OR

☐ Practitioner(s) named below:



00500

PATENT TRADEMARK OFFICE

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ Firm or
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor

SIGNATURE of Applicant or Assignee of Record

Name Kevin J. Tomaselli, Ph.D.

Signature

Date

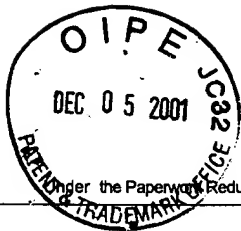
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of ___ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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EXPRESS MAIL NO. EL897872138US

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: D nald S. Karanewsky et al.

Application No./Patent No.: 09/912,674

Filed/Issue Date: July 20, 2001

Entitled: (SUBSTITUTED)ACYL DIPEPTIDYL INHIBITORS OF THE ICE/ced-3 FAMILY OF CYSTEINE PROTEASES

IDUN Pharmaceuticals, Inc.

(Name of Assignee)

a

corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/3/01
Date

Kevin J. Tomaselli, Ph.D.

Typed or printed name

K. Tomaselli

Signature

Vice President of Science and Technology

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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ASSIGNMENT

WHEREAS, we, Donald S. Karanewsky, Vincent J. Kalish, Edward D. Robinson and Brett R. Ullman (hereinafter referred to as ASSIGNORS), having mailing addresses of 1797 Continental Lane, Escondido, CA 92029; 344 Dubois Road, Annapolis, MD 21401; 3567 Tony Drive, San Diego, CA 92122, and 4021 Richmond Street #6, San Diego, CA 92103, respectively, are the joint inventors of an invention entitled "(SUBSTITUTED)ACYL DIPEPTIDYL INHIBITORS OF THE ICE/ced-3 FAMILY OF CYSTEINE PROTEASES," as described and claimed in the specification for which an application for United States letters patent was filed on July 20, 2001 and assigned Application No. 09/912,674. This application is a continuation of U.S. Patent Application No. PCT/US99/24756, filed October 22, 1999, which claims priority to U.S. Patent Application No. 09/177,546, filed October 22, 1998, issued as U.S. Patent No. 6,242,422.

WHEREAS, IDUN Pharmaceuticals, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of California having a place of business at 9380 Judicial Drive, San Diego, CA 92121, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United

States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

30 Nov. 2001

Date

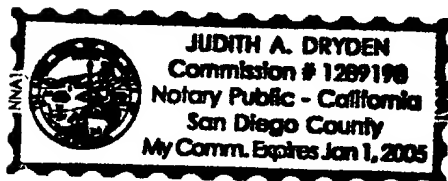
Donald S. Karanewsky
Donald S. Karanewsky

State of California)

) ss.

County of)

On Nov. 30, '01, before me, Judith A. Dryden, Notary, personally appeared Donald S. Karanewsky, ☒ personally known to me or ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.



WITNESS my hand and official seal.

Judith A. Dryden

11/05/2001
Date

Vincent J. Kalish
Vincent J. Kalish

State of Maryland)

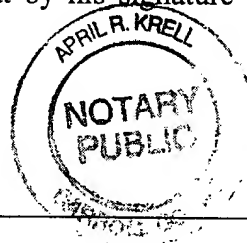
) ss.

County of Carroll)

On November 5, 2001, before me, Vincent J. Kalish, personally appeared Vincent J. Kalish, ☒ personally known to me or ☐ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.

WITNESS my hand and official seal.

April R. Krell



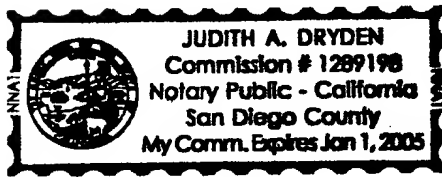
APRIL R. KRELL
NOTARY PUBLIC
STATE OF MARYLAND
MY COMMISSION EXPIRES
DECEMBER 1, 2003

Date 11/29/01

Edward D. Robinson
Edward D. Robinson

State of California)
County of San Diego) ss.

On Nov. 28, 1901, before me, Judith A. Dryden ^{Notary}, personally appeared Edward D. Robinson, ☐ personally known to me or ☒ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.



WITNESS my hand and official seal.

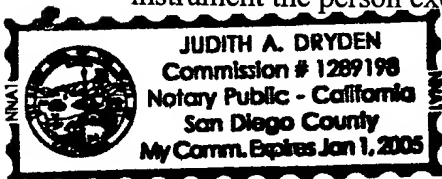
Judith A. Dryden

Date 11.30.01.

Brett R. Ullman
Brett R. Ullman

State of California)
County of San Diego) ss.

On Nov. 30, 2001, before me, Judith A. Dryden ^{Notary}, personally appeared Brett R. Ullman, ☐ personally known to me or ☒ proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person executed the instrument.



WITNESS my hand and official seal.

Judith A. Dryden